

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

ANTHONY B. CARR,	:	
Petitioner,	:	
	:	
v.	:	No. 3:19-CV-274-DMB
	:	
NATHAN CAIN, Mississippi Corrections	:	CAPITAL HABEAS CORPUS
Commissioner, and LYNN FITCH,	:	
Attorney General,	:	
Respondent.	:	
_____	:	

**MOTION FOR PARTIAL STAY OF OPINION AND ORDER [DOC. #47]**

On December 6, 2022, this Court granted, in part, and denied, in part, Petitioner’s *Motion to Stay and Abey Proceedings* (Doc. #41), permitting “[Mr.] Carr the opportunity to pursue relief in state court as to Claim #2 [from his initial habeas corpus petition (Doc. #12 at 37-44)]” and further directing, inter alia, that “[Mr.] Carr’s counsel in this federal habeas case must file in state court a motion for appointment of counsel within thirty (30) days from entry of this order . . .” Doc. #47 (the “Opinion and Order”). January 5, 2023 is thirty days from December 6, 2022.

Eight days later, on December 14, 2022, Respondents made the first of several filings seeking reversal of the foregoing Opinion and Order. Doc. #48 (*Respondent’s [sic] Motion for Reconsideration of Order Granting Motion to Stay in Part and Denying Motion to Stay in Part* (Doc. 47)). In that motion, “Respondents respectfully requests [sic] the Court enter a new order, overruling its first Order Granting in Part and Denying in Part, (Doc. 47) and enter a new order lifting the stay and denying Carr’s Motion to Stay and Abey these proceedings in totality.” *Id.* at 2.

On December 28, 2022, Petitioner timely responded, opposing Respondents’ request. Doc. #51 (refiled per clerk’s order, Docs. #52 & #53). Respondents have seven days to file a

rebuttal to Petitioner's response. L.R. 7(b)(4).

Given the pendency of Respondents' request for the overruling of the Opinion and Order, an order is hereby respectfully requested providing a partial stay of the Opinion and Order with respect to its requirement that Mr. Carr's federal counsel move for appointment in state court by January 5, 2023. Petitioner further seeks that, from the date of any order denying Respondents' reconsideration motion (Doc. #48), Mr. Carr's federal counsel be permitted an additional twenty-two (22) days to move for appointment in state court.

This motion is not accompanied by a memorandum of law.

Respectfully submitted, this the 30th day of December, 2022.

/s/ Joseph J. Perkovich

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